IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 8TH JANUARY 2007 / 18TH PAUSHA 1928

WP(C).No. 1373 of 2005(L)

AGAINST THE ORDER DATED / / IN EP.53/02 IN OS.41/1999 of SUB COURT, MAVELIKKARA .

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PETITIONERS:

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1. **BASHEER RAWTHER, AGED 54 YEARS, S/O.ASSANISA RAWTHER, R/A. RAHIM MANZIL, THEKKUMMURIYIL, CHUNAKKARA VILLAGE, MAVELIKKARA, ALAPPUZHA DISTRICT.**

2. **RUKIA BEEVI, RAHIM MANZIL, CHARUMMOODU,MAVELIKKARA.**

BY ADV. SRI.H.BADARUDDIN

RESPONDENTS:

STATE BANK OF TRAVANCORE, CHARUMMOODU BRANCH, REP. BY ITS MANAGER.

BY ADV. SRI.SATHISH NINAN
SRI.SANTHOSH MATHEW

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.1373/2005

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE EP. NO.53/02 IN OS. 41/99 SUB COURT, MAVELIKKARA, DT.20.3.2002.

EXT.P2:- COPY OF THE DECREE OS. 41/99 SUB JUDGE, MAVELIKKARA DT.30.9.99.

.EXT.P3:- COPY OF THE WRITTEN STATEMENT FILED BY PETITIONER DT.28.3.03.

E3XT.P4;- COPY OF THE IA.1151/03 IN OS. NO.41/99 SUB COURT, MAVELIKKARA DT..28.3.2003.

EXT.P5:- COPY OF THE IA. 2179/04 IN OS. 11/04 MUNSIFF COURT, MAVELIKKARA.

EXT.P6:- COPY OF THE NOTICE IN SO. 41/99 SUB COURT, MAVELIKKARA DT. 20.3.02.

EXT.P7:- COPY OF THE COUNTER STATEMENT FILED BY PETITIONER DT.15.12.03.

EXT.P8:- COPY OF THE OS. 41/99 BEFORE THE SUB JUDGE, MAVELIKKARA DT.12.1.04.

EXT.P9:- COPY OF THE MEDICAL CERTIFICATE 14.3.02 ISSUED AMRITA INSTITUTE OF MEDICAL SCIENCE

/TRUE COPY/

tss

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 1373 OF 2005-L

JUDGMENT

The petitioners have approached this Court, feeling aggrieved by certain orders passed by the Sub Court, Mavelikara in the execution proceedings in O.S.41/1999. The respondent Bank is the decree-holder. The direct approach to this Court is justified since certified copies of the relevant orders were not furnished to them by the court below. Pending the Writ Petition the petitioners have been served with the certified copies. Therefore, if any grievance subsists, the petitioners can move the appropriate forum. But, the learned counsel for the petitioners prayed that the petitioners may be given a chance to settle the loan account under the one-time settlement scheme. If the petitioners move the competent authority of the respondent Bank, the Bank shall deal with the said application in accordance with its norms, within one month from the date of production of a copy of this judgment.

The Writ Petition is disposed of as above.

8th January, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/